

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**LOWEY DANNENBERG COHEN, P.C., in its  
capacity as account holder of, and party with  
interest in, the REZULIN SETTLEMENT FUND,**

**Plaintiff,**

**vs.**

**JAMES R. DUGAN, II, STEPHEN B. MURRAY  
d/b/a THE MURRAY LAW FIRM, RAWLINGS  
AND ASSOCIATES, PLLC, GREG MURPHY,  
MORAIN & MURPHY, LLC, WALLACE  
JORDAN RATLIFF & BRANDT, LLC,  
ELWOOD S. SIMON & ASSOCIATES, P.C.,  
KERSHAW, CUTTER & RATINOFF, LLP,  
BERMAN DEV ALERIO PEASE TABACCO  
BURT & PUCILLO, MARK FISCHER,  
GEORGE RAWLINGS and SHIPMAN &  
GOODWIN,**

**CASE NO. 08 CIV. 0461**

**HONORABLE LEWIS A. KAPLAN**

**ECF CASE**

**Defendants.**

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**WALLACE, JORDAN, RATLIFF & BRANDT, L.L.C. ANSWER TO CROSS-CLAIM**

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**COMES NOW** Defendant Wallace, Jordan, Ratliff & Brandt, L.L.C. (“Wallace Jordan”) and answers Co-Defendants’ James R. Dugan, II and Stephen B. Murray d/b/a The Murray Law Firm’s (collectively, “Dugan & Murray”) cross-claim as follows:

1. Wallace Jordan denies being a part of or entering any joint venture with any other party, including Dugan & Murray, regarding the “Rezulin Litigation”.
2. In fact, Dugan & Murray have stipulated to this Court that Wallace Jordan and its members are not a part of their alleged “Rezulin Litigation” joint-venture.

3. Wallace Jordan was the sole legal representation of its health-care insurance clients in the "Rezulin Litigation". Dugan & Murray have no claim to the legal fees earned by Wallace Jordan, and which are a part of the fund interplead with this Court.

4. In addition to Wallace Jordan not being involved in any alleged joint-venture in the "Rezulin Litigation", Wallace Jordan also does not have any direct knowledge regarding any such joint-venture.

5. Based on the foregoing, Wallace Jordan denies that Dugan & Murray are entitled to any portion of the fund interplead with the Court.

Respectfully submitted,

/s/ Michael J. Velezis  
Kimberly R. West  
Michael J. Velezis  
Wallace, Jordan, Ratliff & Brandt, L.L.C.  
800 Shades Creek Parkway  
Suite 400  
Birmingham, Alabama 35209  
Telephone: (205) 870-0555  
Facsimile: (205) 871-7534

Counsel for Defendant  
Wallace, Jordan, Ratliff & Brandt, L.L.C.

**CERTIFICATE OF SERVICE**

I certify that I am over eighteen years of age and am not a party to this action. On March 13, 2008, I electronically filed and served a copy of the following documents:

1. Wallace, Jordan, Ratliff & Brandt, L.L.C. Answer to Cross-Claim using the CM/ECF system which will send notification of such filing to registered counsel electronically. Pursuant to that notification, a true and exact copy of the foregoing was sent via e-mail, fax, and/or U.S. mail to any party or counsel not receiving electronic services from CM/ECF.

Dated: March 13, 2008

/s/ Michael J. Velezis

Michael J. Velezis